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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yongfeng Wang

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EXAMINER

MOORE, SUSANNA

ART UNIT

PAPER NUMBER

1624

MAIL DATE

DELIVERY MODE

04/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,516	Applicant(s) WANG ET AL.	
	Examiner SUSANNA MOORE	Art Unit 1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,7 and 10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

This is in response to the amendment and Remarks, filed 2/2/2009, with respect to Office Action mailed 9/2/2008 have been fully considered. Some rejections have been withdrawn as indicated below, while others are new as necessitated by the amendments. Thus, this is a Final Office Action. In summary, claims 1, 4, 6, 7 and 10 are currently pending and under consideration.

Specification

The disclosure is objected to because of the following informalities: throughout the the Specification, the term “phospholipase 5” is used. However, there is no such “phospholipase 5” per se. Phospholipases are class of enzymes that hydrolyze phospholipids into fatty acids and other lipophilic substances. There are four major classes, categorized as phospholipase A (A1 and A2), B, C and D. Each on of these has a unique role in the body. Types C and D are further broken down into phosphodiesterases (PDE). There are many types and isoforms of phosphodiesterases, e.g. phosphodiesterase 5, which enhances the vasodilatory effects of cyclic guanosine monophosphate (cGMP) and is the phosphodiesterase inhibited for the treatment of erectile dysfunction. If this is what Applicant intends, please amend the Specification accordingly. If not, please provide clarification of the term, e.g. literature which shows the terms can be used interchangeably. Appropriate correction is required.

Claim Objections

The objection of claims 1 and 3 because of the following informalities: please remove the term “to” between “together” and “form” on page 3, line 20; page 5, line 24; and page 7, line 25 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please insert a space between “,” and “imidazolyl” in line 5 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please replace “cyano-“ with “cyano” on page 2, line 13 and page 4, line 19 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please replace square with a comma in page 3, line 3 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please insert a space between “,” and “CONR⁶R⁷” on page 3, line 4 is **withdrawn** based on the amendments.

The objection of claim 1 is objected to because of the following informalities: please insert a space between “,” and “or” on page 4, line 3 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please insert a space between “,” and “R¹³” on page 4, line 4 is **withdrawn** based on the amendments.

The objection of claim 1 because of the following informalities: please insert an “a” between “as” and “substituent” on page 4, line 10 is **withdrawn** based on the amendments.

The objection of claim 2 because of the following informalities: please insert a space between “:” and “R¹” on page 5, line 1 is **withdrawn** based on the amendments.

The objection of claim 2 because of the following informalities: please insert a space between “,” and “C₁-C₃alkoxyl” on page 5, line 9 is **withdrawn** based on the amendments.

The objection of claim 2 because of the following informalities: please insert a space between “,” and “CN” on page 6, line 1 is **withdrawn** based on the amendments.

Claim 1 is objected to because of the following informalities: there are two semicolons at the end of the definition of R¹. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: there are two semicolons at the end of the definition of R⁵. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: there are two commas after the “OH” in the definition of R¹⁰. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: an “or” is needed after the NR¹⁴R¹⁵ in the definition of R¹⁰. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The rejection of claim 2 for reciting the limitation "C₂₋₃ alkyl or C_{1~4} alkoxy, the said alkyl and alkoxy are substituted with phenyl, hydroxyl; C_{2~6}alkenyl or C₃₋₆ cycloalkyl;" in the definition of R¹² is **withdrawn** based on the amendments.

The rejection of claim 3 for reciting the limitation "NR⁶R⁷" in the definition of R¹ is **withdrawn** based on the amendments.

The rejection of claims 2 and 3 for reciting the limitation "C₁-C₆ branched or straight chain alkyl substituted with ..., CO₂R⁸, CONR¹⁴R¹⁵, CSNR¹⁴R¹⁵ or C(NH)NR¹⁴R¹⁵;" in the definition of R¹³ is **withdrawn** based on the amendments.

The rejection of claim 3 for reciting the limitation "CONR¹³R¹⁴" in the definition of R¹⁰ and R¹¹ is **withdrawn** based on the amendments.

The rejection of claims 1-4, 6, 7 and 10 under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compounds of Formula 1, wherein R¹= alkyl or a substituted alkyl; R² is hydrogen; and R⁵= SO₂NR¹⁰R¹¹ does not reasonably provide enablement for other compounds of Formula 1 is **withdrawn** based on the amendments.

Claims 1, 4, 6, 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the variable R⁸ is defined however, said variable has been removed by amendment. Thus, claim 1 is vague. Claims which depend from claim 1 which fail to remedy the deficiency of claim 1 are also rejected for the reasons set forth herein.

Regarding claim 4, most of the species lack antecedent basis based on the amendments. Applicant has removed where R¹⁰ and R¹¹ can form a ring, which include the piperazinyl, pyrrolidinyl, morpholinyl, and piperidinyl rings. Furthermore, Applicant has removed the CO₂R⁸ substituent from the definition of substituents on R¹⁰ and R¹¹.

Regarding claim 10, the IC formula no longer is embraced by claim 1, and thus lacks antecedent basis. Applicant may make claim 10 independent but must define all variables in formulas IB, IC and IG. Thus, said claim is vague.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSANNA MOORE whose telephone number is (571)272-9046. The examiner can normally be reached on M-F 8:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna Moore/
Examiner, Art Unit 1624

**/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624**